

Section 705 - Storage, Collection and Disposal of Refuse and Compostable Materials

705.01 Definitions. Unless the context clearly indicates otherwise, the following terms shall have the meanings given them in this Subsection:

Subd. 1 **Refuse.** All solid waste products which are composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes including organic wastes or residues of animals, meat, fruit, vegetables, grains or fish; animal excreta or carcasses of animals; rubbish including wood, leaves, vegetation, tree trimmings, dead trees and shrubs, branches, sawdust, shavings, grass, paper products, straw, rags, clothing and all other combustibles; waste matter composed of soil, clay, sand, earth, gravel, fill, stones, bricks, plaster, glass, glassware, crockery, ashes, cinders, shells, metal and other non-combustibles; waste debris resulting from the construction, demolition, repair, or alteration of structures or buildings; accumulated waste materials composed of cans, containers, tires, junk, vehicle parts or other substances which may become a nuisance.

Subd. 2 **Compostable Materials.** Leaves, grass clippings, garden plants, wood ashes, fresh fruit, vegetable scraps, coffee grounds, and commercially available compost ingredients. Compostable materials do not include meat scraps, bones, grease, oil, eggs, dairy products, branches, human or pet excreta, plastics or other materials which may adversely affect public health.

Subd. 3 **Source- Separated Compostable Materials (SSCM).** Mixed municipal solid waste that: (1) is separated at the source by waste generators for the purpose of preparing it for use as compost; and (2) is collected separately from other mixed municipal solid wastes and (3) is comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the Commissioner of the Minnesota Pollution Control Agency (MPCA) has determined that no other person is willing to accept the paper for recycling; and (4) is delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the MPCA's class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility.

705.02 Refuse Containers. The owner or occupant of any premises where refuse may be present, shall provide and keep on such premises sufficient containers for the storage of all refuse accumulating on the premises between collections. Each container shall have a close-fitting top. Containers shall be constructed of non-combustible materials and have non-combustible covers. Dumpsters shall be constructed of metal.

705.03 Refuse Storage. All refuse on any premise shall be stored in the fully covered containers required by Subsection 705.02, except as provided in Subsections 705.04 and 715.03 of this Code.

705.04 Location of Containers.

Subd. 1 **Refuse Containers.** Containers on residential properties shall not be placed or maintained in such a way as to unreasonably interfere with the use of the adjoining property. Containers on non-residential properties shall be fully screened from all lot lines as provided by Section 850 of this Code. Containers kept outside shall be placed and kept in such a manner as not to permit entry of or harborage for animals, insects or other vermin. Containers on residential property shall be stored in such a manner as to be out of view from the street in front of the premises or in a garage located on the premises except as provided hereafter. Occupants of single dwelling unit, double dwelling unit and townhouse properties may, but are not required to, place refuse containers adjacent to the street or alley adjoining the dwelling and off the traveled portion of the road but not earlier than 12 hours prior to the day scheduled for collection. Within 12 hours after the scheduled collection, the containers and any material not collected shall be returned by the resident of such dwelling to the same location designated for storage by this Subd. 1.

Subd. 2 **Grass Clippings and Leaves.** For single dwelling unit, double dwelling unit and townhouse properties, containers or bags containing grass clippings and leaves may be placed for collection adjacent to the street or alley adjoining the dwelling and off the traveled portion of the road not earlier than 12 hours prior to the day scheduled for collection. Within 12 hours after the scheduled collection, the containers and any material not collected shall be returned by the resident of such dwelling to the same location designated for storage by Subd. 1 of this Subsection.

705.05 Frequency and Manner of Collection. The contents of the containers shall be collected once every week, by a collector duly licensed by the City, or more frequently if required by the provisions of any other section of this Code. Provided, however, occupants of a dwelling unit in the R-1 District or R-2 District, as established by Section 850 of this Code, who generate 30 gallons or less of refuse weekly or who request collection of SSCM between December 1 and April 1, may arrange for collection not less often than once every 14 days. The collector shall transfer the contents of the containers to the collector's vehicle without spilling, or if any spilling occurs, the collector shall clean it up completely. Upon each collection, the containers shall be completely emptied and the lids of the containers shall be replaced.

705.06 Defective Containers. Whenever a container is in poor repair, is corroded or otherwise defective so as to permit insects, vermin or rodents to enter, or does not meet any other requirement of this Section, the collector shall notify the owner or manager of the premises of the deficiency. The notice shall describe the deficiency and shall require repair or replacement. Upon the next collection, if the deficiency has not been corrected, the collector shall notify the Sanitarian. The Sanitarian shall then inspect said container and, if found deficient, condemn the same. The collector shall not collect the contents of any container marked as condemned.

705.07 Abatement of Nuisance. Any accumulation of refuse not placed in containers is declared to be a nuisance. Any accumulation of refuse placed in containers but not removed from the premises within the time period provided in Subsection 705.05 is declared to be a nuisance. Nuisances shall be abated by order of the Sanitarian as provided by M.S. 145A.04, Subd. 8 and the cost of abatement may be charged and assessed against the property where the nuisance was found pursuant to Section 1200 of this Code.

705.08 Composting. Notwithstanding other provisions of this Section, compostable materials may be stored on a residential lot subject to the following requirements:

Subd. 1 **Containers.** Compostable materials shall be placed within a container of durable material including but not limited to wire fencing, rot resistant wood, concrete block or brick, or a commercially manufactured container designed for composting. Containers shall be maintained in sound condition and shall be capable of securing all compostable material.

Subd. 2 **Location of Containers.** Compost containers shall not be located within the front yard as defined in Section 850 of this Code and shall not be located within five feet of a side or rear lot line. Compost containers shall not be located within 20 feet of a principal use building other than the principal use building owned by the owner of the compost container.

Subd. 3 **Maximum Size.** A compost container shall not exceed 30 square feet in area on lots with a lot area less than 9000 square feet and shall not exceed 50 square feet in area on lots with a lot area of 9000 square feet or more. The height of the container and the compostable material stored in the container shall not exceed four feet.

Subd. 4 **Maintenance.** Compost containers and compostable materials shall be maintained so as not to create odors, rodent harborage or a fire hazard.

Subd. 5 **Abatement of Nuisance.** Compost containers or compostable materials which are not in compliance with this Subsection are declared to be a nuisance which shall be abated as provided in Subsection 705.07.

705.09 Organized Collection. The City may organize the collection of refuse pursuant to the procedures established by M.S. 115A.94.

705.10 Collection of Recyclables; Districts. The Council, by resolution, may establish the entire City as a district for the collection of recyclables as defined in Section 715 of this Code, or may establish more than one such district within the City. The Council also, by resolution, may designate one or more collectors in each such district for collection of recyclables in that district on terms and conditions to be agreed upon by each such collector and to be approved by resolution of the Council.

History: Ord 711 codified 1970; amended by Ord 711-A1, Ord 711-A2, 7-28-76, Ord 711-A3, 3-7-84, Ord 711-A4 9-2-87, Ord 711-A5 5-25-88, Ord 711-A6 6-14-89; Ord 2005- Ord 2006-08, 11-6-06, Ord 2008-9, 11-3-08

Reference: M.S. 115A.94, 145A.04

Cross Reference: Sections 715, 850, 1300